

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13945 of Capitol Place Hotel Joint Venture and Capitol Place I Associates Limited Partnership, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 7203.1 allowing a reduction in the number of required parking spaces for a non-residential use and variances from the prohibition against allowing an aisle required for accessibility to parking spaces to measure less than fourteen feet in width (Sub-section 7206.5), and from the prohibition against allowing required parking spaces to measure less than nine feet by nineteen feet (Sub-section 7204.1) for a proposed structure with hotel, retail and office space in an HR/C-3-C District at premises 50 F Street, N.W., (Square 628, Lot 172).

HEARING DATE: April 27, 1983

DECISION DATE: April 27, 1983 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of New Jersey Avenue extending from E to F Streets, N.W. It is known as premises 50 F Street, N.W. It is in an HR/C-3-C District.

2. The site is irregular in shape containing approximately 91,766.9 square feet of land area. The site has approximately 400.92 feet of frontage on F Street, N.W., 361.63 feet of frontage on New Jersey Avenue, N.W. and 115.83 feet of frontage on E Street, N.W. A portion of the site is presently improved with a PEPCO sub-station at the northeast corner of the intersection of New Jersey Avenue and E Street, N.W. The remainder of the site will be developed as a mixed use development consisting of a hotel, retail and office structure and a two level below grade parking garage providing 337 parking spaces.

3. The project will be constructed in three phases. Phase I is presently under construction and will contain a fifteen-story luxury hotel with 272 rooms and associated function space and will also include 150,000 square feet of rentable office space and 7,000 square feet of retail space scheduled for completion in 1984. Phase II will include 147,000 square feet of office space and 8,500 square feet of retail space. It is scheduled for completion in 1985.

Phase III will contain approximately 160,000 square feet of office space and 1,500 square feet of retail space and is scheduled for completion in 1986.

4. Adjacent to the site along F Street are two small structures housing restaurants/carry-outs followed by the vacant Pennsylvania Hotel being renovated as an office building and the Irish Times Restaurant and Pub. Along North Capitol Street is the vacant Hotel Commodore under renovation as the Phoenix Park Hotel and the 500 North Capitol Street office building. Adjacent to the site along E Street is the Bellevue Hotel, being renovated and expanded followed by an eight-story office building and the Capitol Plaza Apartments.

5. To the south of the site across E Street are the 850 room Hyatt-Regency and 340 room Quality Inn hotels. To the west is a small triangular block developed with a parking lot and low commercial buildings across New Jersey Avenue. To the north across F Street is the eight-story Pulaski Federal office building. To the northeast, at the northeast corner of the intersection of Massachusetts Avenue and North Capitol Street is the U.S. Post Office and further to the east approximately a block from the site is Union Station and the Visitors Center.

6. The applicant proposes to reduce the required number of on-site parking spaces by approximately twenty-five percent, from a required 328 spaces to 247 spaces. The completed project will contain a total of 337 spaces. Board approval is required because ninety of the 337 spaces will be located in public space in a vault. Sixty-eight of the parking spaces are compact spaces, and sixty-eight of the spaces will not be open and directly accessible at all times to the street. Attendant parking will be used to operate the garage similar to other garages in the city.

7. The garage facilities for Phases II and III only require relief. Phase I can be and is being built as a matter-of-right, including approval for the use of vault space. The completed garage facility including all phases will be operated as a single garage and any relief granted will apply to the project and its operation as a whole.

8. The Zoning Regulations provide as follows:

7203.1 The Board of Zoning Adjustment is hereby authorized to vary or modify the amount of parking spaces required for non-residential uses by Section 7202 provided the amount of required parking spaces shall not be reduced by more than 25 percent.

7203.2 The Board in exercising the authority granted

herein shall give consideration to:

7203.21 The nature and location of the structure;

7203.22 The maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed structure at one time;

7203.23 The amount of traffic congestion existing or which the structure can reasonably be expected to create in the neighborhood; and,

7203.24 The quantity of existing public, commercial, or private parking, other than curb-parking, on the property or in the neighborhood which can reasonably be expected to be available when the structure is in use.

7203.3 Any proposed change or modification in the amount of required parking spaces shall be consistent with the spirit and purpose of these regulations.

9. The hotel will be a five star luxury hotel operated by the Sheraton Corporation. It is anticipated the hotel will attract almost exclusively a business clientele who will generate a relatively small demand for parking. Most business travelers arrive in the city by rail or by air and in turn will travel to the hotel by taxi or limousine service.

10. The site is at an elevation of only twenty to thirty-six feet above sea level and the sub-surface water level is approximately thirteen feet below existing ground level. The existing construction of the Phase I two-level garage to a depth of twenty-five feet is submerged in twelve feet of water. Test borings have confirmed that the remainder of the site is similarly affected. The sub-surface water is an exceptional situation or condition affecting the site.

11. If all required parking spaces measured nine feet by nineteen feet and were totally accessible at all times to the street, the construction of three additional below-grade parking levels would be required. These levels would be totally submerged in water, and would require extensive water-proofing. The total cost for three additional parking levels would be \$5.7 million, which translates to a construction cost of \$40,000 per parking space. This would present a practical difficulty in construction and operation of the garage, and in the economic costs of construction and operation of the project as a whole.

12. The site is ideally located with convenient access to major transportation corridors and facilities. It is located less than two blocks from Union Station and the Red Line Metrorail station. It is three blocks from the entrance and exit ramps to Route 395, which provides direct access to and from National Airport and points south. The site is within several blocks of many of the major streets in the District, which provide convenient access to and from points in all directions. Eleven bus routes pass within a block of the site. Because of the site's proximity to Capitol Hill, in addition to many nearby government buildings and tourist attractions, there is expected to be a substantial volume of pedestrian traffic to and from the site.

13. E Street is a collector street, fifty-six feet wide. One-hour metered parking is allowed from 9:30 A.M. to 4:00 P.M. on the south side of the street, and from 7:00 A.M. to 6:30 P.M. on the north side. F Street is a local street which runs one-way eastbound in the vicinity of the site. It has a thirty-five foot wide pavement. Two-hour metered parking is allowed from 7:00 A.M. to 6:30 P.M. on both sides of the street.

14. Other streets serving the area are Massachusetts Avenue and North Capitol Street. Both are arterial streets providing three lanes of traffic in each direction. Parking is prohibited during the peak hour periods.

15. The applicant's traffic expert testified that peak parking demand for the hotel and function space will be at night, and the peak parking demand for the office will be during the day. The number of persons that can be expected to use the structure at one time therefore depends upon the time of measurement. The peak parking demand will be 323 spaces, while supply will be 337 spaces. The traffic expert further testified that there is presently little or no traffic congestion in the area around the structure. The area is well served by the various modes of public transportation, and the streets operate at a low level of traffic. The expert further testified that because all parking will be accommodated on-site, no traffic congestion is expected as a result of this project. In addition, other off-street parking facilities in the area do not operate at capacity. During peak time of 11:00 A.M. to 2:00 P.M., there are at least eight-five available off-street parking spaces within one block of the site. The Board so finds.

16. Pursuant to BZA Order No. 7395, dated September 24, 1963, the Board granted permission for the construction of the sub-station with no required off-street parking or loading facilities. The sub-station, however, does provide six off-street parking spaces.

17. Sub-section 7204.1 states that all required parking spaces be at least nine feet by nineteen feet in size. Of the proposed 247 on-site parking spaces, sixty-eight will measure eight feet by sixteen feet. This represents twenty-seven percent of the total on-site parking spaces, or twenty percent of the total spaces when the vault parking spaces are included.

18. Sub-section 7206.5 requires that aisles between rows of parking spaces shall have a clear width of not less than fourteen feet. The majority of the aisles in the parking garage measure twenty feet in width, with several fourteen foot wide aisles. Variance relief is required because several of the aisles will be used for stacked parking.

19. The Office of Planning, by report filed April 20, 1983, recommended approval of the application. The Office of Planning was of the opinion that granting the special exception to reduce required parking by twenty-five percent coupled with variances to enable attendant parking and compact spaces would not impair the intent or purpose of the Zoning Regulations. Rather it would help to overcome the substantial practical difficulty of the presence of subsurface water and, coupled with the use of vault space, would provide the 328 required parking spaces completely within the parking garage and limit adverse traffic impacts. The proximity of the site to major transportation arteries and mass transit facilities coupled with the current lack of congestion in the area and availability of off-street parking spaces would further limit any adverse traffic impacts and protect the neighboring area.

20. The Office of Planning was further of the opinion that the applicants' inability to meet the normal parking requirements was caused or exacerbated by the following:

- a. Use of the HR overlay, adding approximately forty-six percent more FAR to the project and increasing required parking accordingly.
- b. Use and transfer of the FAR above the PEPCO sub-station, adding approximately thirty-six percent more FAR potential, although only sixteen percent will be used.
- c. Use of a major portion of the two underground parking levels for hotel function and support space instead of parking.
- d. The existence of four elevator cores, one hotel and three office, extending into the parking garage and eliminating parking.

- e. The presence of subsurface water that restricts additional excavation and construction to provide additional underground levels of parking.

The Board concurs with the reasoning and recommendation of the Office of Planning.

21. The D.C. Department of Transportation (DOT), by memorandum dated April 26, 1983, reported the following:

- a. DOT will approve the use of the vault area to furnish the proposed parking supply.
- b. The proposed parking supply is adequate for the proper operation of the project.
- c. The project will generate between 200 and 240 vehicles during each morning and evening peak hour. The previous use of the property as a parking lot generated between 240 and 270 vehicles during each peak hour. On balance, this project will lessen the level of traffic to and from the site and will have a negligible impact on the surrounding streets.
- d. Of the 337 parking spaces, 257 would be fully accessible for self-parking. Accordingly, the proposal to operate the remaining eighty spaces with attendant parking appears to be workable.
- e. The percentage of spaces for compact cars measuring eight feet by sixteen feet is within range of the recommendation DOT is currently making to the Zoning Commission which will allow up to forty percent of all required parking spaces to measure eight feet by sixteen feet and to be reserved for compact cars. These spaces must be visibly marked as "compact car" or "small car" parking spaces and must be placed in groups.

The Board concurs with the findings of the DOT.

22. No one appeared in opposition to the application at the public hearing or of record.

23. Advisory Neighborhood Commission 2C made no recommendation.

CONCLUSIONS OF LAW AND OPINION:

Based upon the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception and variances. To grant the special exception the Board must find that the applicant has complied with the requirements of Sub-section 7203.1 and

Sub-section 8207.2. The Board concludes that the applicant has met its burden of proof. The proposed special exception relief is in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property. The nature and extent of the proposed use, the close proximity to various modes of public transportation, the availability of other under-utilized off-street parking facilities in the area, and the projected minimal demand for parking for the hotel use and lack of traffic congestion in the area will all work together to mitigate any adverse effect to the neighborhood caused by the special exception relief granting a reduction in the number of required parking spaces for a non-residential use.

For the Board to grant the requested variance relief, there must be proof of a practical difficulty inherent in the site. The Board concludes that the property is affected by an exceptional and unusual situation or condition in the form of subsurface water. A strict application of the Zoning Regulations would require construction of three additional levels of parking in subsurface water at a cost of \$5.7 million. The Board further concluded that the variance relief can be granted without substantial detriment to the public good and without substantially impairing the entire purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (William F. McIntosh, Carrie Thornhill,
Walter B. Lewis, Douglas J. Patton and
Charles R. Norris to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

SEP 30 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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